

The Rejection Under § 112, Second Paragraph – Claim 1

Claim 1 was rejected under 35 U.S.C. § 112, Second Paragraph, for failing to provide sufficient antecedent basis for the word “gate”. In response, Applicant has amended claim 1 to correct this deficiency.

The Rejections Under §§ 102(e) and 103(a)

Claims 1-6 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kubo. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubo. And, claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubo in view of Applicant’s admitted prior art.

In response, Applicant files, herewith, a declaration under 37 C.F.R. 1.131 by the inventor, Brian Sze-Ki Mo, declaring that the present invention was conceived in the United States of America prior to August 24, 1998. Additionally, Applicant files, herewith, a declaration under 37 C.F.R. 1.131 of the patent attorney of record, Babak S. Sani, Esq., of this application. In this declaration, a demonstration of diligence towards the filing of the current application in the United States Patent and Trademark Office is provided.

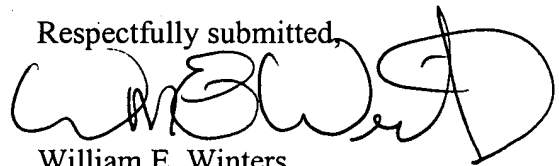
In view of the foregoing, Applicant believes that the declarations of Mr. Mo and Mr. Sani render the rejections of claims 1-10 moot. However, Applicant reserves the right to challenge the rejections based on Kubo if required to do so at a later date and, therefore, does not concede that the rejections based on Kubo are unchallengeable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



William E. Winters
Reg. No. 42232

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
W1W
SF 1164131 v1